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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION EIGHT

In re BABY BOY R., A Person Coming
Under the Juvenile Court Law.

LOS ANGELES COUNTY
DEPARTMENT OF CHILDREN AND
FAMILY SERVICES,

Plaintiff and Respondent,

v.

MARTHA R.,

Defendant and Appellant.

B244073

(Los Angeles County
Super. Ct. No. CK82796)

APPEAL from an order of the Superior Court of Los Angeles County.
Sherri Sobel, Referee. Affirmed.

California Appellate Project, Jonathan B. Steiner, Executive Director, and Anne E.
Fragasso, Staff Attorney, under appointment by the Court of Appeal, for Appellant.

Amir Pichvai for Respondent.

Mother Martha appeals from the court's order terminating her parental rights in her son, Baby Boy R. We affirm.

FACTS AND PROCEEDINGS

In February 2012, appellant Martha (mother), who had a history of psychiatric hospitalizations, gave birth to Baby Boy R. That same day, mother was involuntarily hospitalized for psychiatric evaluation and treatment. Two days later, respondent Department of Children and Family Services placed Baby Boy R., whose father was unknown, with a couple who eventually became his prospective adoptive parents.

On February 10, 2012, respondent filed a petition under Welfare and Institutions Code section 300. The petition alleged mother suffered from mental and emotional problems, including schizophrenia with psychotic episodes and auditory hallucinations, and suicidal and homicidal ideation, that prevented her from providing regular care to Baby Boy R. The petition also alleged that mother had two other children who were dependents of the court because, among other reasons, mother's mental and emotional problems prevented her from taking care of them.

The court sustained respondent's petition and set a hearing for termination of mother's parental rights. The hearing was held on September 7, 2012. The court's minute order states the court received into evidence a copy of Baby Boy R.'s birth certificate and respondent's report recommending termination. The minute order further states that the court "read and considered" respondent's report. At the end of the hearing, the court terminated mother's parental rights. (The men whom mother had identified as possible fathers of Baby Boy R. had already disavowed any interest in the boy's custody or their parental rights.) Mother's appeal followed.¹

¹ About one month after respondent filed its petition, the court appointed a guardian ad litem to assist mother in the dependency proceedings. Mother's opening brief incorrectly states the guardian ad litem did not attend the hearing on termination of mother's parental rights, but mother withdrew that claim when she learned she was mistaken.

DISCUSSION

Mother contends respondent offered no evidence whatsoever at the hearing on termination of her parental rights, let alone any substantial evidence to support the court's termination order. The record does not support mother. Ten days before the hearing, respondent lodged with the court respondent's report recommending termination of parental rights. The report, which the court received into evidence, stated Baby Boy R. was adoptable and had bonded with his prospective parents, who had been approved for his adoption. (*In re Marilyn H.* (1993) 5 Cal.4th 295, 309; *In re Autumn H.* (1994) 27 Cal.App.4th 567, 573-574 [adoption is preferred placement when no reasonable likelihood of reunification].)

Mother notes that the reporter's transcript of the termination hearing contains no direct reference to or discussion of respondent's report. From this silence, mother contends a conflict arises between the reporter's transcript and the court's minute order which we must resolve in favor of the transcript to find respondent's report was not in evidence. (*People v. Zackery* (2007) 147 Cal.App.4th 380, 385-386 [reporter's transcript prevails in conflict between transcript and minute order].) Mother's contention fails because she cites no authority that the court must expressly state on the record that the court had received respondent's report into evidence. Welfare and Institutions Code section 366.26, subdivision (b) requires only that "[a]t the hearing . . . [the court] shall review the report [and] shall *indicate* that the court has read and considered it." (Italics added.) (§ 366.26, subd. (b).) Although the court did not explicitly refer to the report on the record during the hearing, the court discussed Baby Boy R.'s birth certificate that had been attached to the report, which demonstrates the court had received the report and supports an inference that the court had read and considered it. In any case, the supposed conflict between the minute order and the reporter's transcript is more imagined than real because silence in the transcript does not mean absence from evidence when the evidence is, as here, a writing. Because mother's briefs do not discuss the contents of respondent's report received into evidence, any challenge she could mount to the sufficiency of the

evidence supporting the court's termination order fails. (*In re M.C.* (2011) 195 Cal.App.4th 197, 210 [issue waived if not addressed in briefs]; *In re S.C.* (2006) 138 Cal.App.4th 396, 402 [appellant's brief must recite facts pertinent to contentions on appeal]; *In re Shelley J.* (1998) 68 Cal.App.4th 322, 329 [appellate court must review evidence supporting dependency court's orders in the light most favorable to those orders].)

DISPOSITION

The order terminating mother's parental rights is affirmed.

RUBIN, ACTING P. J.

WE CONCUR:

FLIER, J.

GRIMES, J.